

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CARLTON LANE

Plaintiff,

v.

JOSEPH F. TAVARES, MD, *et al.*,

Defendants.

NO. 3:14-CV-00991

(JUDGE CAPUTO)

(CHIEF MAGISTRATE JUDGE
SCHWAB)

ORDER

NOW, this 16th day of April, 2019, upon review of the Reports and Recommendations of Chief Magistrate Judge Schwab (Docs. 288, 289) and the parties' corresponding objections, **IT IS HEREBY ORDERED** that:

- (1) The Reports and Recommendations are **ADOPTED as modified** in the Memorandum preceding this Order.
- (2) The Motion for Summary Judgment filed by Defendant Joseph F. Tavares, MD (Doc. 248) is **GRANTED in part** and **DENIED in part**.
 - (A) Judgment is **ENTERED** in favor of Defendant Tavares and against Plaintiff Carlton Lane on Counts IV and V of the Second Amended Complaint (Doc. 217).
 - (B) The Motion is **DENIED** in all other respects.
- (3) The Motion for Summary Judgment filed by the remaining Defendants (the "Commonwealth Defendants") (Doc. 245) is **GRANTED in part** and **DENIED in part**.
 - (A) Judgment is **ENTERED** in favor of the Commonwealth Defendants and against Plaintiff Carlton Lane on Counts II and V of the Second Amended Complaint.
 - (B) All other claims brought in the Second Amended Complaint against Defendant Cook are **DISMISSED without prejudice** for failure to

exhaust administrative remedies.

(C) All claims brought in the Second Amended Complaint regarding Lane's assignment to SCI Huntingdon (including the race discrimination claim alleged in Count IV), Defendant Pennsylvania Department of Corrections' (the "DOC's") contract for medical services, the DOC's failure to enact policies to protect religious rights, and the DOC's failure to train employees on ADA policies are **DISMISSED without prejudice** for failure to exhaust administrative remedies.

(D) Lane's request for injunctive relief (Doc. 217 at 52) is **DISMISSED as moot.**

(E) The Motion is **DENIED** in all other respects.

(4) The following claims remain against the following Defendants:

(A) Count I (Free Exercise Clause) against Defendants Tavares, Price, Bickell, Eckard, and Oppman;

(B) Count III (Eighth Amendment conditions of confinement) against Defendants Tavares, Price, Bickell, Eckard, and Oppman;

(C) Count VI (RLUIPA) against the DOC;

(D) Count VII (ADA) against the DOC; and

(E) Count VIII (RA) against the DOC.

All other Defendants are **TERMINATED** from this action.

(5) This matter is placed on the **August 2019** Trial List.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge